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SENSITIVE

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STATE FOR SCA/CEN

E.O. 12958: N/A

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SUBJECT: TURKMENISTAN'S NEW LAW ON OZONE PROTECTION LACKS ENFORCER

11. (U) Sensitive, But Unclassified. Not For Internet Distribution.

11. (U) SUMMARY: On August 15, the Parliament of Turkmenistan adopted a new law on protection of the ozone layer. The law provides legal, economic and administrative frameworks for the state regulation of activities to protect the ozone layer, but did not specify an agency responsible for enforcement. The law entered into force on August

121. END SUMMARY.

13. (U) The law details the responsibilities of government bodies, including the Cabinet of Ministers, and an unspecified state agency for the enforcement of the law. It also regulates licensing, export, and import of ozone-depleting substances and products containing such substances.

14. (U) The Cabinet of Ministers of Turkmenistan is responsible for 1) approving national programs for ozone layer protection; 2) maintaining the list of ozone-depleting substances which are limited or banned in Turkmenistan; 3) determining the timeframe for reduction of ozone-depleting substances in accordance with Turkmenistan's international commitments; 4) licensing businesses and individual entrepreneurs, whose activity involves export, import, or production of ozone-depleting substances and products containing ozone-depleting substances; 5) creating a process for export and import of ozone-depleting substances and/or products, containing ozone-depleting substances; and 6) determining the fees for licensing the export, import and production of ozone-depleting substances.

15. (U) The unspecified state body, responsible for the enforcement of the law, is to 1) implement the programs for ozone layer protection; 2) issue one-time permits to a licensed exporter or importer for export and import of ozone-depleting substances; 3) conduct oversight over ozone layer protection, including control of the use of ozone-depleting substances, and recycling and disposal of residual ozone-depleting substances; and 4) issue written orders to businesses to eliminate violations of the law. The law states that funding for state programs on ozone layer protection comes from the State budget of Turkmenistan, international funds on ozone layer protection, and other legal sources.

¶6. (U) The law requires that businesses observe established volumes for ozone-depleting substances and keep records and reports on the use of these substances. Entities that export, import or produce ozone-depleting substances should mark containers with the "Harmful for ozone" warning sign. Their shipping documentation should state names and quantities of the ozone-depleting substances.

¶7. (U) The law states that businesses that switch to ozone-safe substances and technologies will get preferential treatment if they apply for loans to help with the changeover.

¶8. (U) The law does not allow issuance of licenses and one-time permits for export and import of ozone-depleting substances to and from states which are not parties to the Montreal Protocol. Products containing ozone-depleting substances designated and carried for personal use do not require licensing and export/import permission.

¶9. (SBU) COMMENT: The new law provides a framework for the implementation of the Vienna Convention, Montreal Protocol and other international treaties and agreements that Turkmenistan has signed on the protection of the ozone layer. This law, along with a series of laws passed in July and August, seems intended to bring Turkmenistan into line with its international obligations in the legislative sense. At the same time, the government's failure to designate a ministry or agency to enforce the new law highlights the fact that the Turkmen government is generally less focused on the actual implementation aspect of its international obligations.

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